



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shone *et al.*

Art Unit: *To Be Assigned*

Appl. No.: 10/527,411 (U.S. Nat'l Phase  
of PCT/GB2003/003824)

Examiner: *To Be Assigned*

(Intl. Filing Date: September 12, 2003)

Atty. Docket: 1581.0130005/RWE/ALS

For: **Recombinant Toxin Fragments**

**Second Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

*Mail Stop: Amendment  
Art Unit 1645*

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed herewith, in connection with the above-captioned application.

With the exception of document AB2, copies of the documents were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 10/241,596, filed September 12, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). In addition, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of U.S. patent application publication document AB2, cited on the attached Form PTO-1449 is not submitted.

The Examiner's attention is directed to documents AF1-AK1, AB2 and AF2, which are directed to related technical subject matter. The Examiner's attention is also directed to documents AS4-AT6, which are prosecution histories of previously filed or co-pending patent applications which are directed to related technical subject matter. The identification of these U.S. Patent Applications and their respective prosecution histories are not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants' would also like to bring to the attention of the Examiner that, for the following document, the publication date could not be determined to the best of the Applicants' ability: AS13, Lalli, G., *et al.*, "The journey of tetanus and botulinum neurotoxins in neurons," *Trends Microbiol.* 11:431-437, Elsevier Science Ltd. (September 2003).

With the exception of document AS13, where the publication date of a listed document does not provide a month and/or day of publication, the year and/or month of publication of the listed document is sufficiently earlier or later than the effective U.S. filing date and any foreign priority date so that the month and/or day of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

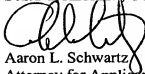
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz  
Attorney for Applicants  
Registration No. 48,181

Date: August 11, 2005

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**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ATTY. DOCKET NO.  
1581.0130005/RWE/ALS

APPLICANT NO.  
10/527.4 (Int'l Phase of  
PCT/GB2003/003824)

FIRST NAMED INVENTOR  
Shone *et al.*

INTL FILING DATE:  
Int'l. Filing date: September 12, 2003

ART UNIT  
To Be Assigned

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA					
	AB					
	AC					
	AD					
	AE					
	AF1	5,989,545	11/23/1999	Foster <i>et al.</i>		
	AG1	6,632,440 B1	10/14/2003	Quinn <i>et al.</i>		
	AH1	2003/0049264 A1	03/13/2003	Foster <i>et al.</i>		
	AI1	2003/0147895 A1	08/07/2003	Shone <i>et al.</i>		
	AJ1	2004/0071736 A1	04/15/2004	Quinn <i>et al.</i>		
	AK1	6,395,513	05/28/2002	Foster <i>et al.</i>		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	WO 02/44199 A2	06/06/2002	WIPO		Yes No
	AM					Yes No
	AN					Yes No
	AO					Yes No
	AP					Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR		
	AS	4	Copy of application and Prosecution History for "Recombinant Toxin Fragments," Shone <i>et al.</i> , U.S. Application No. 09/255,829, filed February 23, 1999
	AT	4	Copy of Application and Prosecution History for "Conjugates of Galatose-Binding Lectins and Clostridial Neurotoxins as Analgesics," Duggan <i>et al.</i> , U.S. Application No. 09/529,130, with a §371 date June 22, 2000

EXAMINER /Nina Archie/

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

DATE CONSIDERED 05/23/2008



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# SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
1581.0130005/RWE/ALS

APPLICATION NO.  
10/527,411 (Int'l Phase of  
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FIRST NAMED INVENTOR  
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,444,209	09/03/2002	Johnson <i>et al.</i>			
	AB2	2003/0166238 A1	09/04/2003	Shone <i>et al.</i>			
	AC2	6,787,517	09/07/2004	Gil <i>et al.</i>			
	AD2	6,822,076	11/23/2004	Bigalke <i>et al.</i>			
	AE2	2004/0219637 A1	11/04/2004	Williams, James A.			
	AF2	2004/0208889 A1	10/21/2004	Sutton <i>et al.</i>			
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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	5	Copy of Application and Prosecution History for "Methods and Compounds for the Treatment of Mucus Hypersecretion," Quinn <i>et al.</i> , U.S. Application No. 09/763,669, with a \$371 date May 29, 2001
AS	5	Copy of Application and Prosecution History for "Delivery of Superoxide Dismutase to Neuronal Cells," Shone <i>et al.</i> , U.S. Application No. 09/831,050, with a \$371 date of August 20, 2001
AT	5	Copy of Application and Prosecution History for "Constructs for Delivery of Therapeutics Agents to Neuronal Cells," Shone <i>et al.</i> , U.S. Application No. 10/130,973, with a \$371 date of June 25, 2002

EXAMINER /Nina Archie/

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.A./

FORM PTO-1449

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	AO						Yes No
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AR	6	Copy of Application and Prosecution History for "Methods and Compounds for the Treatment of Mucus Hypersecretion," Quinn <i>et al.</i> , U.S. Application No. 10/633,698, filed August 5, 2003
AS	6	Shone <i>et al.</i> , "Delivery of Superoxide Dismutase to Neuronal Cells," U.S. Application No. 11/062,471, filed February 22, 2005
AT	6	Shone <i>et al.</i> , "Recombinant Toxin Fragments," U.S. Patent Application No. 11/077,550, filed March 11, 2005

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	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	I	East, A.K., <i>et al.</i> , "Organization and Phylogenetic Interrelationships of Genes Encoding Components of the Botulinum Toxin Complex in Proteolytic <i>Clostridium botulinum</i> Types A, B, and F: Evidence of Chimeric Sequences in the Gene Encoding the Nontoxic Nonhemagglutinin Component," <i>Int. J. Syst. Bacteriol.</i> 46:1105-1112, Society for General Microbiology (October 1996)
AS	I	DasGupta, B.R., <i>et al.</i> , "Partial Sequence of the Light Chain of Botulinum Neurotoxin Type A," <i>Biochem.</i> 26:4162, Abstract #33, American Chemical Society (1987)
AT	I	Gimenez, J.A. and DasGupta, B.R., "Botulinum Type A Neurotoxin Digested with Pepsin Yields 132, 97, 72, 45, 42, and 18 kD Fragments," <i>J. Prot. Chem.</i> 12:351-363, Kluwer Academic/Plenum Publishers (1993)

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	AL						Yes No
	AN						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	8	Betley, M.J., <i>et al.</i> , "Characterization of Botulinum Type A Neurotoxin Gene: Delineation of the N-Terminal Encoding Region," <i>Biochem. Biophys. Res. Commun.</i> 162:1388-1395, Academic Press (1989)
AS	8	Thompson, D.E., <i>et al.</i> , "The complete amino acid sequence of the <i>Clostridium botulinum</i> type A neurotoxin, deduced by nucleotide sequence analysis of the encoding gene," <i>Eur. J. Biochem.</i> 189:73-81, Blackwell Science Ltd. On behalf of the Federation of European Biochemical Societies (1990)
AT	8	Bowie, J.U., <i>et al.</i> , "Deciphering the Message in Protein Sequences: Tolerance to Amino Acid Substitutions," <i>Science</i> 247:1306-1310, American Association for the Advancement of Science (1990)

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FORM PTO-1449

ATTY. DOCKET NO.  
1581.0130005/RWE/ALSAPPLICATION NO.  
10/527,474 (4th Phase of  
PCT/GB2003/003824)SECOND SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENTFIRST NAMED INVENTOR  
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	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	9	Houghten, R.A., <i>et al.</i> , "Relative Importance of Position and Individual Amino Acid Residues in Peptide Antigen-Antibody Interactions: Implications in the Mechanism of Antigenic Drift and Antigenic Shift," in: <i>Vaccines86, New Approaches to Immunization</i> , Brown, F., <i>et al.</i> , eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, pp. 21-25 (1986)
AS	9	Binz, T., <i>et al.</i> , "Proteolysis of SNAP-25 by Types E and A Botulinum Neurotoxins," <i>J. Biol. Chem.</i> 269:1617-1620, American Society for Biochemistry and Molecular Biology, Inc. (1994)
AT	9	Tonello, F., <i>et al.</i> , "Recombinant and Truncated Tetanus Neurotoxin Light Chain: Cloning, Expression, Purification, and Proteolytic Activity," <i>Protein Expr. Purif.</i> 15:221-227, Academic Press (March 1999)

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	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	10	Chaddock, J.A., <i>et al.</i> , "Expression and purification of catalytically active, non-toxic endopeptidase derivatives of <i>Clostridium botulinum</i> toxin type A," <i>Protein Expr. Purif.</i> 25:219-228, Academic Press (July 2002)
AS	10	Fijita, R., <i>et al.</i> , "Molecular characterization of two forms of nontoxic-nonhemagglutinin components of <i>Clostridium botulinum</i> type A progenitor toxins," <i>FEBS Lett.</i> 376:41-44, Elsevier Science B.V. (November 1995)
AT	10	Lacy, D.B., <i>et al.</i> , "Crystal structure of botulinum neurotoxin type A and implications for toxicity," <i>Nature</i> 5:898-902, Nature Publishing Company (October 1998)

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		AL					Yes No
		AM					Yes No
		AN					Yes No
		AO					Yes No
		AP					Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	11	Shone, C.C., <i>et al.</i> , "Inactivation of <i>Clostridium botulinum</i> type A neurotoxin by trypsin and purification of two tryptic fragments. Proteolytic action near the COOH-terminus of the heavy subunit destroys toxin-binding activity," <i>Eur. J. Biochem.</i> 151:75-82, Blackwell Science Ltd. On behalf of the Federation of European Biochemical Societies (1985)
AS	11	Schiavo, G., <i>et al.</i> , "Botulinum neurotoxins serotypes A and E cleave SNAP-25 at distinct COOH-terminal peptide bonds," <i>FEBS Lett.</i> 335:99-103, Elsevier Science B.V. (1993)
AT	11	Rigoni, M., <i>et al.</i> , "Site-Directed Mutagenesis Identifies Active-Site Residues of the Light Chain of Botulinum Neurotoxin Type A," <i>Biochem. Biophys. Res. Commun.</i> 288:1231-1237, Academic Press (November 2001)

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	AL						Yes No
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	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	12	Sathyamoorthy, V., <i>et al.</i> , "Botulinum Neurotoxin Type A: Cleavage of the Heavy Chain into Two Halves and Their Partial Sequences," <i>Arch. Biochem. Biophys.</i> 266:142-151, Academic Press (1988)
AS	12	Schmidt, J.J., <i>et al.</i> , "Partial Amino Acid Sequence of the Heavy and Light Chains of Botulinum Neurotoxin Type A," <i>Biochem. Biophys. Res. Commun.</i> 119:900-904, Academic Press (1984)
AT	12	DasGupta, B.R. and Dekleva, M.L., "Botulinum neurotoxin type A: sequence of amino acids at the N-terminus and around the nicking site," <i>Biochimie</i> 72:661-664, Editions Scientifiques Elsevier (1990)

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	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	13	Turton, K., <i>et al.</i> , "Botulinum and tetanus neurotoxins: structure, function and therapeutic utility," <i>Trends Biochem. Sci.</i> 27:552-558, Elsevier Science Ltd. (September 26, 2002)
AS	13	Lalli, G., <i>et al.</i> , "The journey of tetanus and botulinum neurotoxins in neurons," <i>Trends Microbiol.</i> 11:431-437, Elsevier Science Ltd. (September 2003)
AT	13	Montecucco, C., <i>et al.</i> , "Botulinum neurotoxins: mechanism of action and therapeutic applications," <i>Molec. Med. Today</i> 2:418-424, Elsevier Science Ltd. (October 1996)

EXAMINER /Nina Archia/

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09/20/2006**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	14	Johnson, E.A. and Bradshaw, M., "Clostridium botulinum and its neurotoxins: a metabolic and cellular perspective," <i>Toxicon</i> 39:1703-1722, Elsevier Science Ltd. (November 2001)
AS	14	Rossetto, O., <i>et al.</i> , "Tetanus and botulinum neurotoxins: turning bad guys into good by research," <i>Toxicon</i> 39:27-41, Elsevier Science Ltd. (January 2001)
AT		

EXAMINER /Nina Archie/

DATE CONSIDERED 05/23/2008

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.